

**MINUTES
of the
SIXTH MEETING
of the
MILITARY AND VETERANS' AFFAIRS COMMITTEE**

**November 15, 2013
Room 311, State Capitol
Santa Fe**

D The sixth meeting of the Military and Veterans' Affairs Committee was called to order by Representative Rodolpho "Rudy" S. Martinez, co-chair, on November 15, 2013 at 9:10 a.m. in Room 311 of the State Capitol in Santa Fe.

Present

Rep. Rodolpho "Rudy" S. Martinez,
Co-Chair
Sen. William F. Burt
Rep. Nathan "Nate" Cote
Sen. Daniel A. Ivey-Soto
Sen. William H. Payne
Rep. Bob Wooley

Absent

Sen. Richard C. Martinez, Co-Chair
Rep. Dianne Miller Hamilton

Advisory Members

Rep. Eliseo Lee Alcon
Rep. Thomas A. Anderson
Sen. Craig W. Brandt
Sen. Carlos R. Cisneros
Rep. George Dodge, Jr.
Rep. Yvette Herrell
Rep. Edward C. Sandoval
Rep. Jeff Steinborn

Sen. Timothy M. Keller
Sen. John Pinto
Sen. Cliff R. Pirtle
Rep. Dennis J. Roch
Sen. Lisa A. Torracco

Staff

Peter Kovnat, Staff Attorney, Legislative Council Service (LCS)
Kathleen Dexter, Researcher, LCS
Jennifer Dana, Intern, LCS

Guests

The guest list is in the meeting file.

Handouts

Copies of all handouts and other written testimony are in the meeting file.

Friday, November 15

Fort Bayard Cemetery Construction Update

Steve Best, executive director, Memorial Service Network III, and Steve Davis, engineer, Design and Construction Service, both of the National Cemetery Administration (NCA), U.S. Department of Veterans Affairs (VA), gave a presentation on upgrades under way at the Fort Bayard National Cemetery. The \$7 million project includes expansion of the cemetery's burial facilities, including pre-placed in-ground crypts and columbarium niches; new public information, maintenance and committal facilities; and improvements to landscaping, irrigation, roads, parking, drainage and the rostrum and the flag pole areas. Landscaping improvements are based on a "water-wise", or xeriscaping, model that incorporates native drought-tolerant plants and substitutes crushed granite for lawn grass. The upgrade adds approximately 10 years' capacity within the 18.8-acre site; 20 additional contiguous acres are available if the cemetery needs further expansion in the future.

On questioning, the presenters and committee members addressed the following topics.

Burial facilities. Pre-placed crypts are cement boxes placed in the ground before a section is used for burial that provide better soil stability than direct in-ground burial. Space is provided for both the veteran and the veteran's spouse. Cremains may either be buried in-ground or placed in the columbarium. Veterans may be buried at any national cemetery in the country and should make their families aware of their preferences.

Water and xeriscaping. With the recent drought, production from the 18 water wells at the Fort Bayard cemetery has dropped to approximately 60 percent of what the wells produced in the past. The cemetery uses approximately 20 million gallons of water each year; with the switch to xeriscaping, annual water usage is estimated to drop to 2.4 million gallons. When xeriscaping, up to six inches of topsoil are removed and replaced with crushed granite.

Headstones and burial benefits. Headstones are a VA benefit available to veterans regardless of burial location and are generally ordered by the funeral home through the NCA office in Washington, D.C., when a veteran is buried. Veterans and their families may choose either a flat headstone or a vertical headstone in either marble or granite. Bronze headstones are no longer available. Sections within a national cemetery contain either flat or vertical headstones and either marble or granite headstones, but not combinations. Headstones are uniform across all military branches. If a veteran chooses a commercial headstone, the VA will provide a military emblem to be used on the headstone. Families also receive a \$255 burial benefit.

State cemeteries. The VA provides grant money for creating state veterans' cemeteries. To be eligible for the grant funding, a state must provide a 10 percent match, which is refunded to the state during the construction phase. States must maintain the cemeteries; however, the VA will provide "raise and realign" maintenance for the headstones every few years.

Flowers. Families may place flowers on headstones and may use flower containers provided by the cemetery. Flowers are removed after a few days by cemetery staff, who post a notice of when flowers are scheduled for removal. Flowers may not be planted at burial sites.

Speaking from the audience on invitation of the chair, Secretary of Veterans' Services Timothy L. Hale clarified that the Veterans' Services Department (VSD) is moving forward with a program to build up to four rural cemeteries and will request an appropriation from the legislature for the 10 percent match necessary for VA funding. Each cemetery would need no more than two full-time employees.

★ Mr. Best and Mr. Davis will provide information to Representative Martinez on when the Santa Fe National Cemetery is projected to be at full capacity and on plans to increase columbarium space at the cemetery in 2014.

Legislation Proposed for Committee Endorsement

The committee considered four bills for possible endorsement.

Veterans Posttraumatic Stress Disorder (PTSD) Virtual Reality Treatment Pilot Project

Representative Nate Gentry presented a bill on behalf of Representative Hamilton concerning virtual reality PTSD treatment for veterans. The bill creates the "veterans virtual reality treatment pilot project" to be administered by the VSD in conjunction with Western New Mexico University (WNMU); creates a "veterans virtual reality treatment grants fund" to be administered by the VSD; and appropriates \$250,000 to the VSD to implement the pilot project over a four-year period. Discussion on the bill included the following points and comments.

Treatment effectiveness. The U.S. Department of Defense, the North Atlantic Treaty Organization and the VA have virtual reality PTSD treatment programs. Studies have shown that 80 percent of participants show reduced PTSD symptoms and 100 percent of participants show reduced anxiety and depression.

WNMU and curriculum. WNMU President Joseph Shepard supports the project but feels that \$250,000 is not enough to cover expenses. The project would be placed within WNMU's social work program, and Grant County would provide housing for participating veterans. Curriculum development, as required by the bill, would not be appropriate until after the pilot project produces results.

Location. Placing the project at the University of New Mexico (UNM) School of Medicine would make it available to more veterans and put it under the scope of neuroscience rather than social work.

Appropriations. The VSD received \$100,000 for this project in the General Appropriation Act of 2013. Further appropriations for the project would come both from the state and from grants. The \$250,000 appropriated in the bill is not enough to create an effective

treatment program — it is "a waste of money" and "beyond what the Veterans' Services Department can shepherd". The appropriation would be better spent on existing New Mexico programs for veterans that have proven results.

No motion was made, nor a vote taken, to endorse the bill.

- ◆ Representative Martinez will work with Secretary Hale to consider the bill in other forms.
- ◆ Representative Gentry will provide Mr. Kovnat with studies on virtual reality treatment for PTSD in veterans; information on who developed and provides the mobile devices used in the treatment; and how long each veteran typically participates in the treatment.

Service Member Child Custody Act

Deputy Secretary Alan Martinez, VSD, and Amanda Pagan, attorney and principal, New Mexico Family Law, P.C., and chief warrant officer two, U.S. Army, presented a bill to enact the Service Member Child Custody Act. The act, which many other states have adopted and which is supported by the Domestic Relations Task Force and judges in the Second Judicial District, addresses child custody issues between deploying and non-deploying parents. The bill will be included in the governor's call for the 2014 legislative session. In discussion, the presenters and committee members noted that: 1) the lack of such statutory protections have led some service members to avoid assignment in New Mexico; and 2) the determination of who has a "close and substantial relationship" with a child is left to a judge's discretion.

Senator Ivey-Soto made a motion, seconded by Representative Wooley, to amend the bill on page 7, line 14, by inserting "or to the non-deploying parent" after "child". The motion was adopted unanimously.

On a motion by Representative Cote, seconded by Representative Wooley, the committee voted unanimously to endorse the bill.

Fort Stanton Cemetery Maintenance Appropriation

Representative Wooley presented a bill that would appropriate \$650,000 to the VSD for maintenance and improvement of the cemetery at Fort Stanton Historic Site. The appropriation would be contingent on the VSD receiving a VA grant of \$6,500,000. Secretary Hale clarified that the state money appropriated in the bill could be used for the intended purposes, but making it contingent on receipt of a VA grant is not appropriate because VA money cannot be used on a cemetery that is not a VA-designated state veteran cemetery. In addition, Fort Stanton is not under the control of the VSD but, rather, the Cultural Affairs Department (CAD). In discussion, the presenters and committee members considered amending the bill to send the appropriation to the CAD and also to remove the contingency language, but no motion was made to amend nor was a vote taken. Secretary Hale reviewed the VSD's initiative to establish rural veteran cemeteries. He noted that Fort Stanton is one location under consideration, although a new cemetery would have to be built on the site and fenced off from the old because VA funds cannot be spent on a state monument facility.

No motion was made, nor a vote taken, to endorse the bill.

- ◆ Representative Cote made a motion, seconded by Representative Wooley, that the committee send a letter to Secretary of Cultural Affairs Veronica Garcia to request funding to maintain the Fort Stanton cemetery, with copies sent to the Legislative Finance Committee, the Senate Finance Committee and the House Appropriations and Finance Committee. The motion was unanimously adopted. Representative Wooley, Senator Burt and Secretary Hale will meet with Secretary Garcia on the request.

Veteran-Owned Business Preference Memorial

Mr. Kovnat presented a memorial requesting that the committee assess the oversight, implementation and effectiveness of the resident veteran-owned business preference for state purchases during its 2014 interim work. He noted that a bill addressing the topic would have required a message from the governor but that a memorial does not.

On a motion by Representative Cote, seconded by Senator Burt, the committee voted unanimously to endorse the memorial.

Other Business

Representative Cote raised concerns that, according to a Dona Ana veterans' advocate, Junior Reserve Officer Training Corps (JROTC) is no longer certified for physical education credit in high schools.

- ◆ Deputy Secretary Martinez will research issues with the Public Education Department regarding whether high school students may receive physical education credits for JROTC participation and provide information to Representatives Cote and Martinez.

Representative Cote announced that the Continental Divide Trail Coalition will sponsor a wounded warriors hiking program in 2014 in which combat veterans will hike the Continental Divide Trail south to north, starting in Hachita. He requested that committee members support the hikers as they pass through communities along the trail. A similar program includes cyclists who bike along the Continental Divide Trail from Canada to Mexico.

Public Comment

Don Arnold, veterans' advocate, spoke in favor of expanding veterans' property tax exemptions to include those who are less than 100 percent disabled and to include veterans who are senior citizens. New Mexico is one of only nine states to give property tax exemptions to veterans, and these exemptions can help the state retain service members after they retire. Mr. Arnold also requested that the committee propose legislation to appropriate money for honor guard organizations, which operate on a small stipend from the VSD and get no federal money.

- ◆ Mr. Arnold will work with Deputy Secretary Martinez to draft proposed legislation expanding property tax exemptions for veterans, based on legislation introduced during the

2013 legislative session.

Chuck Howe, president, National Veterans Wellness and Healing Center, described the center's successful PTSD treatment program for veterans and their spouses. Representative Wooley noted that he will sponsor a \$250,000 appropriation for the center.

The committee adjourned at 12:15 p.m.

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